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UNITED BEHAVIORAL HEALTH

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

DAVID AND NATASHA WIT, *et al.*,
Plaintiffs,

v.

UNITED BEHAVIORAL HEALTH,
Defendant.

GARY ALEXANDER, *et al.*,
Plaintiffs,

v.

UNITED BEHAVIORAL HEALTH,
Defendant.

Case No. 3:14-CV-02346-JCS
Related Case No. 3:14-CV-05337-JCS

**STIPULATION AND ~~PROPOSED~~ ORDER
STAYING ENFORCEMENT OF THE
COURT'S ORDER RE ATTORNEYS' FEES
AND COSTS (ECF No. 569)**

STIPULATION & ~~PROPOSED~~ ORDER STAYING
ENFORCEMENT OF THE COURT'S FEE ORDER
CASE NOS. 3:14-CV-02346-JCS, 3:14-CV-05337-JCS

1 **IT IS HEREBY STIPULATED AND AGREED** by the Parties in the above-captioned
2 action, by and through their respective counsel of record, as follows:

3 WHEREAS, the Court entered a Remedies Order in this action on November 3, 2020
4 (“Remedies Order,” ECF No. 491) and entered judgment in favor of Plaintiffs on February 2,
5 2021 (“Judgment” ECF No. 532);

6 WHEREAS, UBH has appealed the Remedies Order and the Judgment to the Ninth
7 Circuit Court of Appeals in consolidated Ninth Circuit Case Nos. 20-17363, 20-17364, 21-15193,
8 and 21-15194 (collectively, the “Merits Appeal”);

9 WHEREAS, the Merits Appeal is currently submitted to the Ninth Circuit for decision;

10 WHEREAS, on January 5, 2022, the Court entered a post-judgment Order Granting in
11 Part and Denying in Part Plaintiffs’ Petition for Attorneys’ Fees and Costs, awarding Plaintiffs
12 attorneys’ fees and costs in the total sum of \$19,628,071.88 (the “Fee Order”, ECF No. 569);

13 WHEREAS, UBH intends to timely appeal the Court’s Fee Order to the Ninth Circuit
14 Court of Appeals (the “Fee Appeal”);

15 WHEREAS, pursuant to Federal Rule of Civil Procedure 62(b), UBH has secured a bond
16 in favor of the named Plaintiffs in these related actions for the total sum of \$24,535,089.85 (the
17 “Bond”) pending the outcome of the forthcoming Fee Appeal, which represents 125 per cent of
18 the total award of fees and costs set forth in the Fee Order;

19 WHEREAS, a copy of the executed Bond is attached hereto as Exhibit A;

20 WHEREAS, the Parties agree that the amount of the Bond is sufficient for the purposes of
21 Federal Rule of Civil Procedure 62(b) to stay enforcement of the Fee Order pending resolution of
22 UBH’s forthcoming Fee Appeal;

23 WHEREAS, the Parties agree that the Bond should be approved by the Court pursuant to
24 Federal Rule of Civil Procedure 62(b);

25 THEREFORE, the Parties stipulate and agree as follows:

- 26 1. The Bond, attached hereto as Exhibit A, should be approved by the Court pursuant
27 to Federal Rule Civil 62(b);
- 28 2. Pursuant to Federal Rule of Civil Procedure 62(b) and the Court’s inherent

1 authority, enforcement of the Fee Order shall be stayed pending resolution of
2 UBH's forthcoming Fee Appeal.

3 IT IS SO STIPULATED.

4 Dated: February 4, 2022

ZUCKERMAN SPAEDER LLP

5 /s/ Caroline E. Reynolds

6 Caroline E. Reynolds
7 Adam Abelson
8 Attorneys for Plaintiffs

9 Dated: February 4, 2022

CROWELL & MORING LLP

10 /s/ Jennifer S. Romano

11 Jennifer S. Romano
12 April N. Ross
13 Nathaniel P. Bualat
14 Andrew Holmer
15 Attorneys for Defendant United Behavioral
16 Health

17 **ATTESTATION**

18 Pursuant to Civil Local Rule 5-1(i)(3) regarding signatures, I attest that concurrence in the
19 filing of this document has been obtained from the other signatories.

20 Dated: February 4, 2022

21 /s/ Jennifer S. Romano
22 Jennifer S. Romano

**PURSUANT TO STIPULATION, AND GOOD CAUSE APPEARING
THEREFORE, THE COURT ORDERS AS FOLLOWS:**

1. The Bond, attached hereto as Exhibit A, is hereby approved pursuant to Federal Rule Civil 62(b);
2. Pursuant to Federal Rule of Civil Procedure 62(b) and the Court's inherent authority, enforcement of the Fee Order shall be stayed pending resolution of UBH's forthcoming Fee Appeal.

Date: February 7, 2022


The Honorable Joseph C. Spero
Chief United States Magistrate Judge